

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

MAY 4, 2006

The Marlboro Township Council held its regularly scheduled meeting on May 4, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 3, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Cantor, Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni and Council President Morelli.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The following Res. #2006-188/Ord. #2006-14 (Exceed Municipal Budget Appropriation Limits) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor. Chief Financial Officer Ulrich Steinberg explained budget issues.

RESOLUTION # 2006-188

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-14

CALENDAR YEAR 2006 ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS

AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 18, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2006-14

CALENDAR YEAR 2006 ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2006 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council of the Township of Marlboro hereby determines that an increase of up to 3.5% in the budget for said year, in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively

concurring, that, in the CY 2006 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by an amount not to exceed 3.5%, and that the CY 2006 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The following Res. #2006-179 (Participation in Self-Examination Process - Municipal Budget) was introduced by reference, offered by Council Vice President Cantor, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-179

RESOLUTION REGARDING SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b, has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 5:30-7.5, the Township of Marlboro has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Marlboro meets the necessary conditions to participate in the program for the 2006 Budget year;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that, in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the

Township Council of the Council of Marlboro has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated, pursuant to law, and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges;
- b. Deferred charges and statutory expenditures;
- c. Cash deficit of preceding year;
- d. Reserve for uncollected taxes;
- e. Other reserves and non-disbursement items; and
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations, pursuant to N.J.S.A. 40A: 4-45.2, and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)

3. That the budget is in such form, arrangement, and content as required by the Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated;
- b. Items of appropriation are properly set forth; and
- c. In itemization, form, arrangement, and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised, in accordance with the relevant provisions of the Local Budget law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

The following Res. #2006-180 (Introduction of 2006 Municipal Budget) was introduced by reference, offered by Council President Morelli, and seconded by Councilman Rosenthal. Discussion followed, after which the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-180

Section 1.

Municipal Budget of the Township of Marlboro, County of Monmouth for the Year 2005.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Fiscal year 2005;

BE IT FURTHER RESOLVED, that said Budget be published in the Asbury Park Press in the issue of May 9, 2006,

Notice is hereby given that the Budget and the Tax Resolution was approved by the Governing Body of the Township of Marlboro, County of Monmouth, on May 4, 2006.

A Hearing on the Budget and Tax Resolution will be held at Town Hall/Municipal Building, on June 1, 2006 at 8:00PM at which time and place objections to said Budget and Tax Resolution for the year 2006 may be presented by taxpayers or other interested persons.

General Appropriations For:

1.	Appropriations within "CAPS"	
	(a) Municipal Purposes	\$19,689,845.68
2.	Appropriations excluded from "CAPS"	
	(a) Municipal Purposes	8,939,277.02
	(b) Local School District Purposes in Municipal Budget	
	Total General Appropriations excluded from "CAPS"	8,939,277.02
3.	Reserve for Uncollected Taxes	1,700,000.00
4.	Total General Appropriations	30,329,122.70
5.	Less: Anticipated Revenues Other than Current Property Tax	13,921,399.77
6.	Difference: Amounts to be raised by taxes for Support of Municipal Budget	
	(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	16,407,722.93

* Copies of attached material to be found in regular minute book in Clerk's office.

Councilman Pernice recused himself from voting for this ordinance and was absent from the room. The following Res. #2006-189/Ord. #2006-15 (Amend Chapter 84 - Rezoning Certain Lots to LC Land Conservation District) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Pernice).

RESOLUTION # 2006-189

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-15

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE LC LAND CONSERVATION DISTRICT"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 18, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that this ordinance was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2006-15

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE LC LAND CONSERVATION DISTRICT."

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Township of Marlboro Planning Board undertook a general reexamination of the Township of Marlboro Master Plan and development regulations; and

WHEREAS, on February 2, 2005, the Planning Board adopted a report entitled "Statement of Objectives and Land Use Plan Element of the Marlboro Township Master Plan" (the "Report") setting forth the findings of such reexamination; and

WHEREAS, a resolution memorializing said adoption of the Report was approved on March 2, 2005; and

WHEREAS, in accordance with the Report, the Mayor and Township Council are now rezoning certain lots to the LC Land Conservation District.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Marlboro Code shall be amended and supplemented as follows:

That Subsection 84-29B shall be recodified as 84-29B(1) and shall be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises designated as Block 132, Lots 19, 20.01, 20.02, 20.03, 20.04, 20.05, 20.06, 20.07, 20.08, 20.09, 20.10, 20.11, 20.12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.01, 35.02, 35.03, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and Block 138, Lots 3, 4, 5, 6, 14.01, 14.02, 14.03 and Block 143, Lots 29, 30, 31, 32, 33, 34, 35, 36, 37 and Block 152, Lots 1, 2 and Block 153, Lots 10.01, 10.02, 10.03, 10.04, 10.05, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62.01, 62.02, 62.03, 62.04, 62.05, 62.06, 62.07, 62.08, 62.09, 62.10, 62.11, 62.12, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78.01, 78.02, 79.01, 79.02, 79.03, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137 and Block 153.01, Lots 1, 2, 3, 4, 5

and Block 153.02, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and Block 159, Lots 2, 8, 9, 10 and the portion of Lot 14 adjacent to the western boundary of Lot 10, and Block 159.01, Lot 19 and Block 160, Lots 9, 11, 12, 13, 14 and Block 160.01, Lots 1, 2, 3, 4.01, 4.02, 4.03 and Block 164, Lots 1 and 2, and Block 169, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and Block 170, Lots 2, 3, 4, 5, 6, 7, 8.01, 8.02, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and Block 171, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70.01, 70.02, 70.03, 70.04, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 98.01, 99, 100, 101, 102, 103 and Block 193.02, Lots 55, 56, 57, 58, 60 and Block 206, Lots 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 and Block 207, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17 and 18 from the R-80 Residential District and so as to include said tax lots in the LC Land Conservation District. Delete the westerly portion of the premises designated as Block 225, Lot 227 from the SCPRII Stream Corridor Preservation Residential District and so as to include said portion of said tax lot in the LC Land Conservation District.

BE IT FURTHER ORDAINED, that a new Subsection 84-29B(2) shall be added to read as follows:

"(2) Grandfathering Clause. The requirements of the LC Land Conservation District shall not apply to any property referenced in Ordinance #2006-15 that maintains a single-family residential structure, as of the effective date of said Ordinance, that is in full compliance with the requirements of the R-80 Residential District and any other applicable State and Township laws and requirements, provided that said property would not be further subdivided. Should such an application to subdivide come forward, the applicant would then be required to meet the zoning standards established for the LC Land Conservation District. In all other instances,

the zoning standards in place for the R-80 Residential District would apply."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. #2006-181 (Supporting Click It or Ticket Mobilization of May 22 - June 4, 2006) was introduced by reference, offered by Council President Morelli, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-181

WHEREAS, there were 757 motor vehicle fatalities in New Jersey in 2005; and

WHEREAS, a large percentage of the motor vehicle occupants were killed in traffic crashes were not wearing a safety belt; and

WHEREAS, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1979-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide CLICK IT OR TICKET safety belt mobilization from May 22- June 4, 2006 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic and Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 86% to 88%; and

WHEREAS, a further increase in safety belt usage in New Jersey will save lives on our roadways;

THEREFORE, be it resolved that Marlboro Township declares its support for the CLICK IT OR TICKET safety belt mobilization both locally and nationally from May 22-June 4, 2006 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

The following Res. #2006-182 (Amending Res. 2005-417 - Authorizing Purchase of Affordable Housing Unit - 791 Banyan Court, Morganville) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-182

A RESOLUTION AMENDING RESOLUTION #2005-417 AND AUTHORIZING THE PURCHASE OF AN AFFORDABLE HOUSING UNIT LOCATED AT 791 BANYAN COURT, MORGANVILLE, NEW JERSEY BY THE TOWNSHIP FOR RESALE TO A QUALIFIED LOW OR MODERATE INCOME HOUSEHOLD

WHEREAS, Edward Apicella and Yvette Greenbaum Apicella are the owners of an affordable housing unit located at 791 Banyan Court, Morganville, New Jersey (the "Affordable Unit"); and

WHEREAS, in early 2005, a foreclosure proceeding was initiated by Citimortgage, Inc, the bank holding the mortgage on the Affordable Unit (the "Foreclosure Proceeding"); and

WHEREAS, on or around April 29, 2005, the Apicellas filed a petition for bankruptcy in the United States Bankruptcy Court, Middle District of Pennsylvania (the "Bankruptcy Action"); and

WHEREAS, on October 6, 2005, the Township Council adopted Resolution #2005-417 authorizing the Township's purchase of the Affordable Unit through the Bankruptcy Action in order to maintain the affordable housing controls on the Affordable Unit; and

WHEREAS, prior to implementing the purchase of the Affordable Unit, the Bankruptcy Action was dismissed; and

WHEREAS, Citimortgage has re-instituted the Foreclosure Proceeding to acquire title to the Affordable Unit through foreclosure; and

WHEREAS, the Township's Affordable Housing Agency and Rent Control Board has filed a lawsuit seeking the entry of an Order compelling the Apicellas to sell the Affordable Unit to the Township so that the Township may maintain the affordable housing controls on the unit and may sell the unit to a qualified low or moderate income household; and

WHEREAS, the purchase of the Affordable Unit by the Township will maintain the affordable housing controls on that unit and will further the public interest in providing and maintaining the availability of affordable housing within the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township is authorized to purchase the Affordable Unit for the sum of \$58,443, the present maximum sale price for the Affordable Unit due to its affordable housing controls, and to then sell the Affordable Unit to a qualified low or moderate income household as authorized under law; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for the purchase of the Affordable Unit and to attach same to this Resolution; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. New Jersey Department of Community Affairs, Housing Affordability Services
- b. The Affordable Housing Agency and Rent Control Board of the Township of Marlboro
- c. Township Chief Financial Officer
- d. Township Business Administrator
- e. Gluck Walrath, LLP.

The following Res. #2006-183 (Rescinding Res. #2006-165 - Authorizing Contract - Birdsall - design for Phase II of

Municipal Park) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-183

A RESOLUTION RESCINDING RESOLUTION #2006-165 AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND BIRDSALL ENGINEERING, INC. FOR THE DESIGN OF PHASE II OF THE MUNICIPAL PARK

WHEREAS, by Resolution #2006-165, the Township Council authorized a professional services contract with Birdsall Engineering, Inc. for the design of Phase II of the Municipal Park; and

WHEREAS, a contract for such services has not been entered into by the parties; and

WHEREAS, the Township Council now desires to rescind Resolution #2006-165.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Resolution #2006-165 authorizing a professional services contract between the Township of Marlboro and Birdsall Engineering, Inc. for the design of Phase II of the Municipal Park be and hereby is rescinded; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor: Res. # 2006-184 (Extension of Contract - Tee Shirts - Metuchen Center Inc.), Res. # 2006-185 (Authorization to Bid - Replacement of Emergency Generators for Municipal Complex and Public Works Complex), Res. # 2006-186 (Award of State Contract

- Homeland Security Grant) and Res. # 2006-190 (Award of Contracts - Homeland Security Grant).

RESOLUTION # 2006-184

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND METUCHEN CENTER INC. FOR THE PROVISION OF TEE SHIRTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION AND SWIM CLUB

WHEREAS, by Resolution #2005-164, dated April 7, 2005, the Township of Marlboro awarded a one-year contract to Metuchen Center, Inc., 429 Joyce Kilmer Ave., New Brunswick, NJ 08901 to provide Tee-shirts for the Marlboro Department of Recreation and Swim Club, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2005-164, the parties entered into a contract for the provision of Tee-shirts dated April 7, 2005 (the "Contract"), which is attached hereto and made a part hereof; and

WHEREAS, in accordance with the bid specifications and the terms and conditions of the Contract, the Township of Marlboro reserved the exclusive option to renew any components of the Contract for an additional one-year period on the same terms and conditions specified in the bid proposal submitted by Metuchen Center, Inc.; and

WHEREAS, Administration, the Township of Marlboro Department of Recreation and Swim Club have recommended that the Township Council approve the renewal of the Contract for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Metuchen Center, Inc.; and

WHEREAS, funds are available in the Swim Club Budget Account Number 6-01-700-766 for an amount not to exceed \$4,000 and Recreation Trust Fund Account Number T-17-56-867-817 for an amount not to exceed \$35,000 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council has determined that it is in the best interest of the residents of the Township of Marlboro to approve said renewal of the Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to renew the Contract between the Township of Marlboro and Metuchen Center, Inc., 429 Joyce Kilmer Ave., New Brunswick, NJ 08901 for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Metuchen Center, Inc. and authorized by Resolution #2005-164; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Metuchen Center, Inc.
- b. Township Administrator
- c. Department of Recreation
- d. Swim Club
- e. Chief Financial Officer
- f. Gluck Walrath, LLP

RESOLUTION # 2006-185

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Replacement of Emergency Generators for
Municipal Complex and Public Works Complex

RESOLUTION # 2006-186

RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS ITEMS AND
EQUIPMENT THROUGH THE FY05 STATEWIDE LOCAL DOMESTIC
PREPAREDNESS EQUIPMENT GRANT FROM CERTAIN APPROVED STATE
CONTRACT VENDORS

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase various items and equipment through the FY05 Statewide Local Domestic Preparedness Equipment Grant from certain approved State Contract vendors; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said equipment to the Township of Marlboro; and

WHEREAS, Marlboro Township intends to enter into contracts with various approved State Contract vendors as outlined in the attached spreadsheet and with an amount not to exceed \$50,000; and

WHEREAS, funds are available in Grant Account Number G-02-41-775-399 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said items and equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to various items and equipment through the FY05 Statewide Local Domestic Preparedness Equipment Grant from certain approved State Contract vendors; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. State Contract Vendors
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2006-190

RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS ITEMS AND
EQUIPMENT THROUGH THE FY05 STATEWIDE LOCAL DOMESTIC
PREPAREDNESS EQUIPMENT GRANT FOR THE
MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Marlboro Township Police Department contacted certain companies to request estimates for the purchase of various items and equipment; and

WHEREAS, the Police Department received estimates as outlined in the attached spreadsheet; and

WHEREAS, the lowest estimate for the purchase of the aforementioned items is less than \$17,500.00 in the contract

year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Police Department have reviewed the estimates received and recommend that contracts be awarded to each of the vendors with the lowest estimates for the purchase of the aforementioned items; and

WHEREAS, funds are available in Grant Account Number G-02-41-775-399 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase of various items and equipment through the FY05 Statewide Local Domestic Preparedness Equipment Grant; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Township Administrator
- b. Township Police Department
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

Marlboro Township Police Department

Vendor	Description	State Contract	Quote #2	Quote #3	Dept.	Total
All Industrial-Safety Products	Camera	A61238	n/a	N/a	Police	\$11,295.00
Allcomm Technologies	PR860 w/ Speaker Mic	n/a	Motorola C&E \$4,575.00	Wireless C&E \$4,425.00	Police	\$7,790.40
Allcomm Technologies	CDM1250 w/ Ignition Sense	n/a	Motorola C&E \$5,109.23	Wireless C&E \$4,725.00	Police	\$4,471.23
Allcomm Technologies	PR860 w/ Speaker Mic, WPLN9214 Charger	n/a	Motorola C&E \$5,657.00	Wireless C&E \$5,420.00	Police	\$5,309.70
Brigade QuarterMasters	Bandages, Shears	n/a	n/a	N/a	Police	\$1,759.16
Chinook Medical	Carrier, Evac. Liter, Extrication Collars, Chest Seals	n/a	n/a	N/a	Police	\$877.00
Diamondback Tactical	Binoculars	n/a	n/a	N/a	Police	\$2,974.95
Fire Gear Masters	Radiation Detector, Nerve Agent Detector	n/a	n/a	N/a	Police	\$3,085.00

Fire Gear Masters	Coveralls	n/a	LSS Safety Supply \$5,200.00	Ben Meadows \$3,708.00	Police	\$3,058.33
Garden State	Caution Tape	n/a	n/a	N/a	Police	\$930.00
Lanigans Associates	Filters	n/a	n/a	N/a	Police	\$3,025.00
Lanigans Associates	Helmets	A60534	n/a	N/a	Police	\$6,479.20
Lanigans Associates	Thermal Imaging Camera	n/a	AtlanticRT \$7,250.00	Nordatlantic \$7,138.00	Police	\$6,500.00
Lawmen Supply Co. of NJ	Break & Rake, Padlock Buster, Ladders	n/a	n/a	N/a	Police	\$3,081.07
New Jersey Fire Equipment	Saw & Blades	n/a	n/a	N/a	Police	\$3,040.00
New Jersey Fire Equipment	C420 PAPR System	A60553 & A64813	n/a	N/a	Police	\$21,457.50
Quality Communications	Toughbook Computer	A88804	n/a	N/a	Police	\$6,672.00
Service Works, Inc.	Software	n/a	Security Srvs. \$9,275.00	IAS \$8,995.00	Police	\$7,540.00
Suburban Caps South Inc.	Trailer	n/a	n/a	N/a	Police	\$2,987.10
The Photo Center	Camera	A65312	n/a	N/a	Police	\$3,538.00
TSS	Traffic Arrows	n/a	n/a	N/a	Police	\$742.50
TSS	Plastic Barricades	n/a	Garden State \$2,508.00	Seeley \$2,050.00	Police	\$1,840.00
TSS	Cones	n/a	Garden State \$3,140.00	Seeley \$3,210.00	Police	\$2,490.00
VP Tactical Medical Solutions	Tactical Tourniquets	n/a	n/a	N/a	Police	\$296.00
Subtotal						\$111,239.14

Marlboro Fire Company

Vendor	Description	State Contract	Quote #2	Quote #3	Dept.	Total
Advanced Misting Systems	Portable Mist	n/a	n/a	N/a	Fire Co.	\$2,326.95
All Hands Fire Equipment	Vests, Streamlight Fireboxes	n/a	n/a	N/a	Fire Co.	\$727.96
E Darley.com	Disposable Blankets, Barricade Tape	n/a	n/a	N/a	Fire Co.	\$643.10
E ZUP Direct	Shelter Eclipse, Sidewall Single Wall	n/a	n/a	N/a	Fire Co.	\$2,829.17
Freehold Honda	Generator w/ Light Kit	n/a	Sport Honda \$7,591.00	Coopers Honda \$7,117.00	Fire Co.	\$4,400.00
Freehold Honda	Generator	n/a	n/a	N/a	Fire Co.	\$2,700.00
Grainger	Heaters, Cones, Ext. Cords	n/a	n/a	N/a	Fire Co.	\$2,745.08
Lowes Home Improvement	FIR Sheeting, Trash Cans, Lighting Stand	n/a	n/a	N/a	Fire Co.	\$409.92
Sam's Club	Appliances, Folding Table & Chairs	n/a	n/a	N/a	Fire Co.	\$1,335.06
Siren Net	Lighthead & Flanges	n/a	n/a	N/a	Fire Co.	\$1,175.40
Suburban Caps South Inc.	Trailer	n/a	Suburban Caps, Inc. \$27,900.00	Suburban Caps & Accessories \$34,000.00	Fire Co.	\$20,592.00

The Fire Store.com	Chair Kit, Sun Shade, Arm Reservoirs	n/a	n/a	N/a	Fire Co.	\$1,194.55
Way Cool	Wheels	n/a	n/a	N/a	Fire Co.	\$2,095.00
Subtotal						\$43,174.19

Marlboro First Aid

Vendor	Description	State Contract	Quote #2	Quote #3	Dept.	Total
Binoculars.Com	Bushnell 7x50 Marine 137501	n/a	n/a	N/a	Marl. FA	\$1,624.12
North Jersey Fire and Rescue	Chieftain 911 w/ Visor or Goggles, Gloves	n/a	n/a	N/a	Marl. FA	\$2,484.00
V.E. Ralph & Son, Inc.	Alum Oxy Cyl D-Size	n/a	n/a	N/a	Marl. FA	\$888.00
V.E. Ralph & Son, Inc.	Pulse Oximeter	n/a	n/a	N/a	Marl. FA	\$3,089.00
Subtotal						\$8,085.12

Morganville First Aid

Vendor	Description	State Contract	Quote #2	Quote #3	Dept.	Total
North Jersey Fire and Rescue	Jackets and Liners	n/a	Fit-Rite Uniform \$18,000.00	TASC Fire Apparatus \$9,487.00	Morg. FA	\$9,336.00
Subtotal						\$9,336.00

Total **\$171,834.45**

Marlboro Township First Aid - Items Already Encumbered

Vendor	Description	State Contract	Quote #2	Quote #3	Dept.	Total
Emergency Medical Products, Inc.	Backboards, Lettering	n/a	n/a	N/a	Marl. FA	\$1,050.60
Moore Medical Corp.	First Aid Supplies	n/a	n/a	N/a	Marl. FA	\$2,533.85
Moore Medical Corp.	Prosplint Kit Pedi	n/a	n/a	N/a	Marl. FA	\$135.09
North Jersey Fire & Rescue	Vantage 501 Jackets	n/a	n/a	N/a	Marl. FA	\$7,080.00
V.E. Ralph & Son, Inc.	Oxygen Cylinders & Extrication Device	n/a	n/a	N/a	Marl. FA	\$1,167.25
W.S. Darley & Co.	Vest (EMS) Orange w/ Lime-Yellow	n/a	n/a	N/a	Marl. FA	\$519.00
Subtotal						\$12,485.79

Marlboro Township Police Department - Items Already Encumbered

Vendor	Description	State Contract	Quote #2	Quote #3	Dept.	Total
Odyssey Automotive Specialty	Wilburt Light Tower	n/a	n/a	N/a	Police	\$7,910.00

Television Equipment Associates	Radio Headset/ERT Radios	n/a	n/a	N/a	Police	\$3,930.00
Subtotal						\$11,840.00

Sheet Total	\$24,325.79
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Requisitioned & Encumbered Total	\$196,160.24
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The following Res. #2006-187 (Award of Bid - Curb & Sidwalk Improvements - Route 79/Marlboro High School) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor. Everyone thanked Council President Morelli for all her hard work to get this project accomplished.

RESOLUTION # 2006-187

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO LUCAS BROTHERS INC. TO CONSTRUCT CURB AND SIDEWALK IMPROVMENTS RELATIVE TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S "SAFE STREETS TO SCHOOL" PROGAM ALONG ROUTE 79 IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township recognizes the importance of providing safe pedestrian access to citizens and students of the Township; and

WHEREAS, that area along Route 79 from the High School north to the Route 79/Route 520 intersection poses a potential hazard for pedestrians; and

WHEREAS, the New Jersey Department of Transportation has awarded two grants totaling \$90,000 under that Department's "Safe Streets to School" program to be used for improvements to that intersection; and

WHEREAS, the Township of Marlboro authorized and received bids to construct curb and sidewalk improvements along Route 79; and

WHEREAS, eight bids were received by the following vendors in the following amounts:

- A. Lucas Brothers, Inc.
80 Amboy Road, Morganville, NJ
\$124,531.60
- B. JADS Construction Company
PO BOX 513, South River, NJ
\$138,791.00

- C. Lancha Construction Corporation
49 West Grochowiak Street, South River, NJ
\$142,653.00
- D. Custom Concrete Construction, Inc.
24 Schoolroad West, Marlboro, NJ
\$152,580.50
- E. Earle Asphalt Company
PO DRAWER 556, Farmingdale, NJ
\$174,013.13
- F. Curb Con, Inc.
514 Route 9, Barnegat, NJ
\$181,233.00
- G. A. Montone Construction, Inc.
88 Stillwell Road, Holmdel, NJ
\$212,278.77
- H. Peter Ferro Construction Co.
398 Old Bridge Turnpike, South River, NJ
\$217,453.00

WHEREAS, the Administration, the Township Engineer and the Township Attorney have reviewed the bids received and recommend that the contract be awarded to Lucas Brothers, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Lucas Brothers, Inc., for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to construct curb and sidewalk improvements along Route 79 should be awarded to Lucas Brothers, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Lucas Brothers Inc. for the construction of curb and sidewalk improvements along Route 79 in an amount not to exceed \$124,531.60, and in accordance with the bid proposal submitted by Lucas Brothers, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the award is subject to approval of the New Jersey Department of Transportation; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from the following Account Numbers: \$39,800 from G-02-41-

759-399; \$50,000 from G-02-41-774-399; and \$34,731 from X-04-55-959-942.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Brothers, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.
- e. Birdsall Engineering, Inc.

The following items were carried to the May 18th agenda: Item # 11 (Bond Reduction Rosemont Sections 3 &4), Item #12 (Bond Release R.H. Ern & Sons Site Plan - B. 215. L.1 - Railroad Avenue) and Item #13 (Tax Collector Resolutions).

At 9:05PM, Council Vice President Cantor moved that the meeting be adjourned. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: June 15, 2006

OFFERED BY: Pernice AYES: 5

SECONDED BY: Rosenthal NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

PATRICIA MORELLI
COUNCIL PRESIDENT